

REDACTED – PUBLIC VERSION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**SMITH KLINE & FRENCH LABORATORIES
LIMITED and SMITHKLINE BEECHAM
CORPORATION d/b/a GLAXOSMITHKLINE,**

Plaintiffs

vs.

TEVA PHARMACEUTICALS USA INC.

Defendant.

Civil Action No. 05-197 (GMS)

FILED UNDER SEAL

**DECLARATION OF KAREN E. KELLER
IN SUPPORT OF TEVA'S MOTION *IN LIMINE* NO. 2
TO EXCLUDE EXPERT TESTIMONY BY PATENT ATTORNEY EGON BERG**

I, Karen E. Keller, declare as follows:

I am admitted to this Court and am an associate with the law firm of Young Conanway Stargatt & Taylor, LLP, counsel of record for Defendant Teva Pharmaceuticals USA, Inc., in this action.

1. Attached hereto as Exhibit A is a true and correct copy of the September 22, 2006 Expert Report of Egon Berg.

2. Attached hereto as Exhibit B is a true and correct copy of *Revlon Consumer Products Corp. v. L'Oreal S.A.*, 1997 WL 158281 (D. Del. Mar. 26, 1997).

3. Attached hereto as Exhibit C is a true and correct copy of *ONDEO Nalco Co. v. Eka Chemicals, Inc.*, 2003 WL 1524658 (D. Del. Mar. 21, 2003).

4. Attached hereto as Exhibit D is a true and correct copy of *Proctor & Gamble Co. v. Teva Pharmaceuticals USA, Inc.*, 2006 WL 2241018 (D. Del. Aug. 4, 2006).

5. Attached hereto as Exhibit E is a true and correct copy of *Applied Materials, Inc. v. Advanced Semiconductor Materials America, Inc.*, 1995 WL 261407 (N.D. Cal. Apr. 25, 1995).

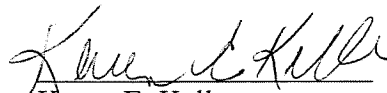
6. Attached hereto as Exhibit F is a true and correct copy of *W.R. Grace & Co. v. Viskase Corp.*, 1991 WL 2611647 (N.D. Ill. Oct. 15, 1991).

7. Attached hereto as Exhibit G is a true and correct copy of *Syngenta Seeds, Inc. v. Monsanto Co.*, 2004 WL 2106583 (D. Del. Sept. 8, 2004).

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C.

Dated: October 23, 2006

Respectfully submitted,


Karen E. Keller

CERTIFICATE OF SERVICE

I, Karen E. Keller, Esquire, hereby certify that on October 30, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Patricia Smink Rogowski, Esquire
Connolly, Bove, Lodge & Hutz LLP
The Nemours Building
1007 North Orange Street
Wilmington, DE 19801

I further certify that on October 30, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and the following non-registered participant in the manner indicated:

BY E-MAIL ON OCTOBER 30, 2006 AND
BY FEDERAL EXPRESS ON OCTOBER 31, 2006

William F. Lee, Esquire
Wilmer, Cutler, Pickering, Hale and Dorr LLP
60 State Street
Boston, MA 02109

Michael E. Gordon, Esquire
Wilmer, Cutler, Pickering, Hale and Dorr LLP
1875 Pennsylvania Avenue, N.W.
Washington, DC 20006

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Karen E. Keller

Karen E. Keller (No. 4489)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
(302) 571-6600
kkeller@ycst.com

Attorneys for Teva Pharmaceuticals U.S.A., Inc.